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A
L E T T E R
T O

JOHN BUXTON, OF SHADWELL, ESQ;

On the Contests relative to the ensuing Election
for the County of NORFOLK.

Per Graiûm Populos, mediæque per Elidis Uurbem
ibat ovans, Divûmque sibi possibat Honorem.

M DCC LXVIII.

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SPECIAL
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QUEEN'S UNIVERSITY
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KINGSTON ONTARIO CANADA

TO JOHN BUXTON, Esq;

S I R,

THOUGH I have not the honour of being personally known to you, yet my happy intimacy with many of your once valued old friends has taught me to esteem and reverence you as a gentleman of solid judgment, distinguished integrity, and inflexible honour. It is my regard for so valuable a character that induces me to make this address to you in particular ; an address no way agreeable to either of us, but what the times have rendered neither improper nor unnecessary. You will find it to be an expostulation with you on the part you have taken in the present convulsions that distract the county ; but though my reasoning may be animated with some warmth, yet it shall be

urged with decency ; nor shall one expression escape me unbecoming your character, or my own.

In the first place then, as a good man, a good citizen, and a good magistrate, you will agree with me, that the principal thing always to be attended to is the preservation of the public peace ; and you know that nothing so effectually destroys the public peace as a contested election. I need not paint to you the scenes of idleness, debauchery, and riot, the ungovernable licentiousness of a dissolute and inflamed populace, the eager animosities of a party-spirit, the destruction of society, the alienation of friendships, the feuds of families, and all those numerous evils which inseparably attend these unhappy contests : You know them much better than I can describe them ; therefore, knowing how highly you possess the virtues of humanity, I was astonished to see you desert your old friends, and stand forth the champion of a new party, whose measures can have no other tendency than to set the county in a flame. When indeed the representatives of any place are negli-

gent

gent of the important trust committed to them ; when they are found incapable of discharging it ; when they make themselves servile and mercenary dependants on a corrupt ministry ; or when they unite themselves to a turbulent and democratic faction, dangerously combined to oppose the executive power, to clog the wheels of government, and shake the pillars of the public safety ; in either of these cases it becomes the duty of every honest man to exert himself with vigour in opposing the re-election of such unworthy members : But when neither of these causes exists, when the present representatives are justly approved and honoured for their able and upright conduct, whoever raises or encourages a division, which must be attended with all the evils mentioned above, sacrifices the public peace to a private resentment, or a wanton popularity, or a vain ambition.

When the motives to an action are thus trifling, it cannot be expected that the ends proposed should be of greater moment. In the memorable year 1734, our wiser fathers had designs worthy of their contention. Party at that
time

time ran high, and was more than a name ; one side struggled hard for their places and pensions, a favourite minister was to be supported, his influence to be extended : The other side contended as laudably perhaps, and more successfully, to shake this minister, to abridge his influence, and to send representatives to parliament, whose integrity was not to be warped by the warm sunshine of court-favour ; and in this both parties acted consistently and wisely at least, if not honestly. But we have no party, nor even the name of a party among us ; we have no minister to raise up, or to pull down ; we have no court-influence to hope, or to fear ; nor any end in view, but the mischievous pleasure of doing and undoing ; and even in this, as if the spirit of infatuation had extinguished every ray of sense ; in the darkness of our understanding we are dancing, hands across, after one BATH-METAL STAR, which, like an ignis fatuus, holds out a false light only to delude and mislead us.

From

From your motives and your ends I proceed to consider the measures your party has taken to compass these ends. And here give me leave to observe, *en passant*, that no sooner was Lord Townshend appointed to the government of Ireland, than his character was attacked in a very extraordinary manner with all the malice of the most petulant and illiberal calumny : this torrent of abuse is not yet stopped, but continues to disembody its dirty streams, intending, no doubt, through his Lordship, to reach Mr. de Gray, and blot his fair character with its deepest sable. How disingenuous and unmanly this procedure is, I leave to your candid consideration : I am no ghost ; nor shall I undertake a vindication of his Lordship : If his many illustrious virtues, both public and private, if his faithful and important services to his country, both at home and abroad, will not raise him superior to these attacks, we must e'en give him up, lamenting over him, however, with this oration of the Roman,

‘ O mighty

- ‘ O mighty Cæsar, dost thou lie so low ?
 ‘ Are all thy conquests, glories, trophies, spoils,
 ‘ Shrunk to this little measure ? Fare thee well.’

And indeed it must be acknowledged, that he has been attacked with a truly Roman spirit ; for you know that it was usual with that wise and FREE people, when their victorious leader entered the city in triumph amidst the applauses and acclamations of his grateful country, lest his mind should be too much elated with his honours, to place in the same chariot with him a PUBLIC SLAVE, licensed to insult him with the most opprobrious ribaldry,

et sibi consul

Ne placeat, curru servus portatur eodem.

Now, Sir, I attend you to St. Andrew's hall on the day of nomination ; where the first thing that occurs worthy of notice, at least on your part, is Sir William Harboard's elegant and judicious speech. As this was so remarkably distinct and clear, I shall endeavour, as far as I am able, to preserve its perspicuity, and for that purpose shall consider it under a quadruple division, as it concerned Mr. de Gray alone, as it concerned

concerned Sir Armine Wodehouse and Mr. de Grey together, as it concerned Sir Armine Wodehouse alone, and as it concerned Sir Edward Astley. As to Mr. de Grey, it was candidly and politely insinuated, that, upon the decease of the late Lord Townshend, he was nominated no body knows how, and elected by no body knows whom. As a military man, I suppose, he stole a march upon us, appeared before the town while the gates were open, surprised the garrison, and so took possession without resistance : This may be fine oratory, but the misfortune is, matter of fact is against it, as will appear only by considering the part Sir Edward Astley acted on that occasion : He undertook to guard the town, but in a panic not only deserted his post, but revolted to the enemy. Mr. de Grey was approved and elected by the united voice of the county. His conduct in parliament has done honour to himself, and reflected honour back upon his constituents ; and the respect justly paid to his merit will be seen on the day of election. If you can introduce to us a gentleman of superior weight and influence in

the county, we *must* give up our present member ; if you can introduce to us a gentleman of superior abilities and integrity, we *will* give him up : DETUR DIGNIORI is the motto on our standard which we advance before de Grey : chuse you what device you please.

The next part concerned Sir A. Wodehouse and Mr. de Grey together, that as militia colonels, men that wear swords, it is dangerous to entrust them with a share in the civil government. Indeed ! The illustrious orator, it is to be presumed, has forgot the old military Morden. But instead of refuting a proposition that carries absurdity on its very face, let us turn our eyes towards a neighbouring kingdom, and observe the propriety and good sense of their House of Commons in their address to their new Lord Lieutenant ; “ When we reflect on the important services and great military experience of
 “ your Excellency for many years in different
 “ parts of the globe, and on your happy success
 “ in raising the fame and extending the dominions of Great Britain ; when we now see the
 “ sword of justice entrusted to the same person,
 “ who

“ who has constantly used the sword of war for
 “ the honour of his sovereign, and the glory
 “ of his country, we must look up to your Ex-
 “ cellency with the highest expectation and con-
 “ fidence. And when we recollect the consider-
 “ able share, which you have taken in plan-
 “ ning and carrying into execution in England
 “ an effectual national militia, we cannot but ac-
 “ knowledge that the civil power could not be
 “ more safely or usefully delegated than to your
 “ Excellency.” Let this stand as an answer to
 a declaration that deserved no answer, but as it
 was made by Sir W. Harbord. Besides the ab-
 surdity of it, (it pains me to repeat so harsh a
 word, but our language has not a softer) it may
 be difficult to reconcile it either to prudence or
 politeness; for a public affront upon a body of
 gentlemen that have the honour to bear his ma-
 jesty’s commission, and a public insult upon gen-
 tlemen of Sir A. Wodehouse’s and Mr. de Grey’s
 rank and character, must be deemed unpardon-
 able.

But his capital objection to Sir Armine is,
 that he has served in parliament too long, that

an honour of this nature should not be hereditary in the family : Yes, Sir, honour, we know, has been hereditary in that family for near 700 years ; and till that noble inheritance be squandered or bartered away, a Wodehouse can never solicit the honours of his country in vain : therefore instead of urging Sir Armine's length of service as a reason for discharging him, it would have been more generous to have held him up to his constituents as a man grown old in their service, as a man who for more than thirty years has executed this important trust with unwearied attention, disinterested fidelity, and unbiaſſed honour ; unplaced, unpenſioned, unennobled ; no miniſterial ducats ſwelling his revenues, no lordly title fluttering in his ear, nor even a ribbon or a ſtar glittering in his eye. Mr. Styleman indeed affected to be ſenſible of his merit, and propoſed that he ſhould be rewarded with the thanks of his country, and retire in his old age to his old oaks at Kimberly. Yes, he ſhall retire, but not at your bidding ; he ſhall retire, but the time ſhall be of his own choice ; then he ſhall retire, and carry with him the thanks

and

and applauses of his country, and that conscious integrity which beams a glory over those old oaks, and sanctifies their shades.

But for whom is our worthy veteran thus courteously desired to retire ? Behold presented to us Sir Edward Astley ! whilst the indignant spirits of his honest ancestors burst from their tombs, and shake their venerable heads to see their descendant starting aside like a broken bow, and become an instrument in the hands of a Morden and a Hobart. But I feel an asperity rising upon me, which shall not be indulged ; let me therefore quit this scene, only detaining you one moment to shew you a sight, in defiance of Solomon, new under the sun : A grave and reverend gentleman from Drogheda, recommending a gentleman from Derbyshire as a proper representative for the county of Norfolk. When we consider this gentleman as honourable in himself, honourable in his connections, high in the esteem of his own country, happy in the love of his neighbours, and secure of his present seat in parliament, he is deservedly the object of our respect : But when we consider him as a candidate for this county, from which

his

his place of residence is 300 miles distant; when we consider him as acting this precipitate and ill-timed part under the direction of a few families, to all of whom united his own influence must one day be far superior; we are sorry to see him lend so respectable a name to so idle a purpose; we are sorry to see him act so much beneath his dignity; we are sorry to see him sink the weight of his family in the foam of other men's ambition.

Here, Sir, let us draw the curtain, and close the scene of the gallery, which gives us a melancholy instance, in every speech of your party, of those eager animosities, those alienated friendships, those family feuds, which I before lamented as inseparable from these contests; for whatever you gentlemen orators, that took it upon you to dictate to the county, may think of yourselves and of one another, we little inconsiderable people that stood below could not help shaking our heads, and applying to you these lines of Dryden,

‘With an ill grace your friends their mischiefs do;
 ‘ They’ve both ill-nature and ill-manners too.

Now, Sir, we are alone, I shall make you a very free and candid declaration of my sentiments

ments with regard to Sir Edw. Astley, whom I honour on account of his family, and esteem as a good natured honest gentleman. There was a time when I should have rejoiced to see his interest rise in the county ; there was a time when it depended on himself to raise it. Had he pursued his declared intentions, and answered the expectations which he had raised among his friends, on the death of the late Lord Townshend, probably he would not have been opposed, most probably he would have succeeded : but as he then thought proper to resign his pretensions, ought he to re-assume them now ? as he then thought proper to relinquish this civic crown, and with his own hands to assist in placing it on another head, is he at liberty to demand it now, or attempt to rend it off by violence ? Strong must be the hand that does it. Or are we little people to be thrown out as buoys, only to fluctuate in the shallows of this shifting tide ?

You will say perhaps, for it has been said, that Lord Townshend could not then be prevailed upon to recollect his promise, and refused to support him : We answer in the words of your own party, which must therefore be
conclusive

conclusive to you. What has Lord Townshend to do with us and our representatives? only adding, we know nothing of the promise.

You will say perhaps, for this also has been said, and is indeed your *fort*, that Sir A. Wodehouse at that time deserted him, and refused him the friendly assistance of his interest: This indeed deserves an elucidation, for if Sir Armine will forsake his old friends, he must not complain if his old friends forsake him. That Sir Edward Astley should apply to Sir A. Wodehouse on such an occasion it is natural and reasonable to expect: that he did *then* apply we acknowledge: if Sir Armine foresaw the difficulties that would arise from an opposition to Sir Edward, it showed his good understanding: if he represented those difficulties in their proper light, it showed his candor and his friendship: if he wished not to embroil himself with his late worthy partner, not to involve himself and his friends in all the troubles of a contested election, can it be wondered at? But, notwithstanding all this, that he did absolutely engage himself to Sir Edward, that he peremptorily promised at all events to support his election with all his weight, and interest, is A FACT, for

the truth of which I appeal to Sir Edward Astley and his brother Mr. Milles: I could make my appeal farther, but chuse at present to rest it here. Has Sir Armine then forsaken his friends? Or rather have not his friends fled in his face! This reflection, ungenerous as it is, has been so often repeated, and so confidently urged, that I thought a truer information was requisite. Nay, to come down to the present time, when Sir Edward Astley had fixed his resolution to offer himself as a candidate for the county, which I believe was not till after Lord Townshend was appointed to the government of Ireland, and his brother the Chancellor of the Exchequer was dead, did he once shew an inclination to join Sir Armine, or once ask Sir Armine to join him, till within a quarter of an hour before they went to the hall, till he had formed measures inconsistent with Sir Armine's interest, till he had formed connections inconsistent with Sir Armine's honour? Where then does the charge of unsteadiness, of desertion of friends, of dereliction of Character fall at last? You have it among you; we are free.

C

But

But part of the disagreeable task, which I have imposed upon myself, yet remains. The clamours of your party on the subject of general warrants, have been raised and continued with a virulence of abuse that outrages decency and good manners as much as truth and common sense. These must be attended to. And here I must not pass by Honeſtus, memorable indeed for nothing, but that he is the first to blow Robin Hood's bugle horn to give the alarm, and then hides his head, and is heard of no more.

Pastorale canit signum, Cornuque recurvo
Tartaream intendit vocem, quâ protinus omne
Contremuit nemus, et silvæ intonuere profundæ.

Mox autem attollit stridentes anguibus alas,
Cocytique petit sedem, supera ardua linquens.

But your freeholder (another fictitious name) a man immersed from his youth in personal abuse, a man grown hoary in the arts of defamation, unawed by conscience, unchecked by modesty.

modesty, unsilenced by conviction, advanced to the charge with a malicious impertinence, and perseveres in it with an unexampled insolence. In his printed letter, dated London October 3, 1767, after much infamous invective and turgid declamation, he labours to give us an argument, which I do him honour in thus methodizing.

General warrants are illegal and unconstitutional. Sir Armine and Mr. de Grey voted in favour of general warrants.

Therefore they are to be avoided and rejected as men dangerous to the constitution.

The answer to this requires but few words. That general warrants are illegal and unconstitutional we readily allow. That Sir A. Wodehouse and Mr. de Grey voted in favour of general warrants is a double falsehood. Therefore his malevolent conclusion drops of course. He afterwards voluntarily acknowledged that Mr. de Grey was not in the house at the time of the debate: here one ray of truth broke half thro' the solid darkness of his soul; but his malevolence was at hand to extinguish the rising light.

“ Mr. de Grey was not then in the house, but
 “ Lord Townshend was, in whose room Mr. de
 “ Grey was elected, and in whose interest he
 “ is at present known to stand.” Are these
 your arts? You must excuse me for saying *your*
arts, for by causing that wretched paper to be
 reprinted, and by dispersing it among your
 friends, you made it your own, and are be-
 come answerable for all the untruths it contains.
 These will be sufficiently detected and exposed
 by a just and impartial representation of the de-
 bate in the honourable house on this subject.

The friends of Mr. Wilkes had declared ge-
 neral warrants to be illegal, unconstitutional
 and highly dangerous to liberty: the violent
 alarm this had raised in the nation was to be
 quieted by some remedy as violent, or to be
 kept up by some shining effort in the cause.
 Many sober persons were seriously alarmed to
 observe a practice prevalent in a great office
 contrary to what they considered as the clearest
 principles of law, and inconsistent with the
 manner of governing in a free country: the
 long and silent continuance of this practice, in-
 stead

stead of excusing, only added to the danger of it. Whatever the motives, that influenced the conduct and opinions of men on this point, might be, there was no doubt that, without aiming at the persons, a considerable stroke was aimed at the ministerial character and consideration of those in high stations. Many of those therefore, who relished neither the administration, as it was then formed, nor the opposition, were of opinion that the one might be humbled, and yet the other not materially exalted, by their appearing for a resolution condemning the general warrants. Accordingly a resolution was proposed, February 14, 1764, to the following effect. “ That a general warrant for apprehending and seizing the authors, printers, and publishers of a seditious libel, together with their papers, is not warranted by law.” Those, who opposed it, did not ground their opposition on an affirmation of the legality of the warrants, (for in general they either admitted their illegality, or put that matter out of the question) but on the impropriety of the method proposed for settling the law of warrants. They argued that

the

the House of Commons, by itself, cannot declare law legislatively, because it is only a part, and not the whole of the legislature; nor judicially, because it is neither the whole nor a part of any court of judicature. It was also thought to be of dangerous consequence, and productive of nothing but confusion and injustice; as the inferior acting magistrate wou'd in vain look for the rule of legality only in acts of parliament and in the common law, when, for ought he knew, there might be another in the Journals of the House of Commons. That the supreme courts of law, who are taught by the constitution to believe that the judicial power rests in them, and that in the exercise of it they are to be guided only by the *whole* legislature, wou'd be brought into a state of irresolution and dependance on the House of Commons, if they found that house take upon itself to participate, if not to supercede their power, and to alter their rule? that the question of the legality or illegality of these warrants was then actually depending in a bill of exceptions before the ordinary judges: Ought the

question

question to be prejudged? and the parties, taking the due course which the law allows them, to have their cause evok'd to the House of Commons, and condemned there by an arbitrary resolution? That particular emergencies, such as dangerous conspiracies, manufacturers going off into foreign countries, might render these warrants expedient, and even necessary: will it therefore be thought prudent to deprive the magistrates of a power which is so often necessary to the public good? But if in reality the matter be so pressing in time and importance, that the people cannot (as it is represented) be satisfied that they are free, until the law on general warrants be declared, let it be declared in a way that all are agreed is both effectual and constitutional, BY ACT OF PARLIAMENT. The resolution proposed is neither the one nor the other. A bill therefore, even on the principles of those who favour the resolution, is the only proper method.

These were the principles on which the resolution was opposed. They, who supported it, insisted principally on the evident illegality of the process by a general warrant, which was
not

not questioned; and expatiated on the oppressive nature of it, which was not denied. They acknowledged that the House of Commons was not the whole legislature, nor any part of the judicature of this kingdom: but asserted it to be their undoubted right to censure by their resolution any illegal practice, which they observed to be prevalent; and this not to be cited as law in courts of justice; but to serve as a threat and monition to those courts, and to all persons public and private, of what they are to expect, when they presume to quit the limits of the law, and to make any excursions into the regions of arbitrary power. They urged the slow and uncertain progress of the courts as a plea for interposing the determination of the house as a remedy to the subject.

They said that the question of the warrants was not directly before the judges, and consequently the point not in the way of being decided. This, I presume, is rather a difference of *terms* and *courts* than of *facts*; because the question of the legality or illegality of general warrants was then actually depending, and in the cause of Mr. Beardmore and the king's messengers

seners was heard at Guildhall before Lord Chief Justice Pratt and the rest of the Judges of that Court, on the 4th of May following, and then, if not before, they were judicially decided to be illegal. They argued further ; that as the Resolution was confined to Libels, it would not restrain the magistrate in dangerous occasions ; as the use of General Warrants will be justified by its necessity in so critical an exigence. Whereas a statute, wholly condemning such Warrants, would take away the use of them in any exigence ; if it admitted exceptions, it would put all to sea again ; as it would be impossible regularly to define, and clearly to ascertain cases of necessity.—See the Annual Register for the year 1764.

Upon a review of this debate, it appears, that no question on the legality or illegality of general warrants was moved in the house ; but on the manner of declaring their illegality : that the resolution proposed was improper, because if these warrants were illegal, they ought to have been left, as they were left, to the courts of law : that, even if it had passed, it

would not have been effectual, because if they were not illegal, a resolution of the house could not have made them so : that such a resolution would have been arbitrary, unconstitutional, and dangerous. Therefore that those gentlemen, who opposed it, acted upon the sober and dispassion'd principles of reason, good sense, and the general law of the land.

That they did not vote in favour of general warrants, because they moved that their illegality might be declared in the only way that could be safe, effectual, and constitutional, BY ACT OF PARLIAMENT. And that the people might be immediately satisfied that they are free, that liberty might not suffer, or be in danger of suffering through delay, four days after this resolution was dismissed, that is, on February 21, a motion was made by Sir John Philipps, " that leave be given to bring in a
 " bill for regulating the practice of the secretary of state's office, in issuing out warrants
 " in cases of libels."—See the journals of the house.—And this motion, as well as the former, was supported by Sir A. Wodehouse.

What

What shall we say then to your trusty friend and coadjutor, the Lack-land Freeholder? If he *did not know* these things before, we are sorry for his head; if he *did know* them, we are sorry for his heart. But what shall we say to you? In what light must you appear for making this senseless paper your own? How can you acquit yourself of the most illiberal, malevolent, and groundless calumny? Or how can you support the charge? But I shall take my leave of this subject, by relating to you an historical anecdote (not of Russel Earl of Bedford, for I am not yet quite clear that he lost his head on account of General Warrants, but) of one Hannibal. It is said that he envied Eumenes, King of Pergamus, on account of his power, and hated him for his Roman disposition: a few days before he was to engage him at sea, knowing his own fleet to be inferior to that of his Royal Adversary, he ordered *his Crew* to pick up all the poisonous serpents they could possibly find; these were put into earthen jars: in the heat of the engagement, finding himself vigorously pressed, he commanded these

jars to be thrown into the Pergamenian ships, which were immediately filled with serpents, to the great astonishment and annoyance of the foldiers. However consonant this action might be to the savage genius of the wily African, the Roman that relates it does not condescend to make one reflection upon it. *Tu lege, atque fruerere.*

But it is time to put an end to this address : in the course of it I have had manifold reasons to lament the numerous evils that inseparably attend these party contests : give me leave to end as I begun by lamenting one unhappy consequence that affects yourself. By deserting your old friends and your old cause, the cause of Virtue and of Honour, let me add too of Liberty and your Country, you have thrown yourself into the arms of a man, whose person you despise, and whose character you abhor ; you have thrown yourself into the arms of a man, that has violated the peace and insulted the honour of your family ; that has traduc'd you in private, and outraged you in public, and even pawn'd his Cassock for a Sword to cut
your

your throat. That he has dar'd to assault the most respectable characters, from Lord B—— down to yourself, and to assault them with impunity, is a glaring instance of the liberty of a British subject : but it is as glaring an instance of the outrageous licentiousness of the times, in which no rank however exalted, no merit however distinguished, not even the most honourable assemblies, nor the most sacred character, have been spar'd.

A bad Effect, but from a glorious Cause ! Liberty is indeed the Birthright of a Briton ; let us therefore cherish it with fondness, and assert it with spirit, but not with the spirit of an Athenian Democracy, or a Roman Republic. The Constitution is a sacred name : but let us remember that it consists of various subordinations under one direction, that of the supreme authority : if ever then these various subordinations, with that decency and order which are essential to all well-constituted governments, should be destroyed or lost, the Constitution itself must be dissolv'd, and even our darling Liberty expire in the Convulsion.

Therefore

Therefore when we deliberate on the public conduct of our present worthy representatives ; when we consider Mr. de Grey, for the time that he has fate in parliament, and Sir A. Wodehouse, for upwards of thirty years, uniformly and firmly supporting with one hand the Liberty of the People, and with the other the just Authority and real Dignity of the Crown ; we must look upon them with reverence and honour, as friends to the Constitution, and think ourselves bound in gratitude and justice to support their cause. In the mean time we lament the defection of many friends, but of none more than of you ; we respect your person, we esteem your merit, we revere your virtues. Could you command no more than your own single vote, had you no influence over a neighbour, a tenant, an innholder, or even a petty constable that attends your sittings, we should be proud to enroll your name among the steady supporters of WODEHOUSE and DE GREY.

Jan. 1768.

I am, Sir,

Your most obedient Servant.

